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REMARKS

Claims 21-46 are currently pending in the subject application and are presently under consideration. Claims 21-26 have been amended herein to place the application in condition for allowance. Therefore, entry of the amendment is respectfully requested. When claims 21-26 are allowed, Applicants will request rejoinder of the non-elected method claims, now written as claims 27-46, but in better form for rejoinder. It is noted that MPEP 821.04 specifies that, where product and process claims are presented in the same application, and if product claims are elected in a Restriction Requirement, after a product claim is found allowable, withdrawn process claims which depend from or include all the limitations of the allowable product claim will be rejoined.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

II. Rejection of Claims 21-25 Under 35 U.S.C. §103(a)

Claims 21-25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Auda *et al.* (U.S. Patent 5,223,914) in view of Kamon (U.S. Patent 6,737,198). Applicants respectfully request withdrawal of the rejection for at least the following reasons.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 22-25 depend from claim 21, thus any arguments set forth with

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respect to claim 21 apply to claims 22-25 as well. As shown in the claims section of this Reply, claims 21-25 have been amended to describe an inverse resist coated semiconductor substrate. In particular, the substrate comprises a patterned first coating that is formed on a substrate surface, the patterned first coating comprising a resist material; a patterned second coating formed over the patterned first coating and exposed portions of the substrate surface, whereby the patterned second coating is formed by removing uppermost portions of the second coating to make the second coating level with the patterned first coating, whereby the patterned second coating is an inverse pattern of the patterned first coating, and whereby the patterned first coating is removed while leaving the patterned second coating on the substrate.

As stated in the previous Office Action, the Examiner once again contends that cited portions of the background section of Auda *et al.* teaches and/or suggests the subject invention. Applicants respectfully disagree. Auda *et al.* does not teach or suggest a second coating formed over a patterned first coating and removal of portions of the second coating to yield an inverse pattern of the patterned first coating as recited in the subject invention. Rather, Auda *et al.* merely teaches exposing a top resist with UV radiation and then applying standard KOH solution to leave the desired remaining portion or pattern. Moreover, Auda *et al.* fails to teach or suggest a semiconductor substrate having a patterned second resist coating that is the inverse of the patterned first coating as required by amended claim 21 of the subject invention.

The Examiner does, however, acknowledge that Auda *et al.* does not teach or suggest a planarization component and relies on Kamon to cure this particular deficiency. Unfortunately, this apparent reliance on Kamon does not cure all of Auda *et al.*'s aforementioned deficiencies. That is, like Auda *et al.*, Kamon also fails to teach or suggest an inverse resist coated semiconductor substrate as recited in amended claim 21.

In view of the foregoing, Auda *et al.* and Kamon, either taken alone or together, fail to teach or suggest each and every element of the claimed invention. Hence, the rejection should be withdrawn.

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III. Rejection of Claim 26 Under 35 U.S.C. §103(a)

Claim 26 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Auda *et al.* and Kamon as applied to claim 21 above and in further view of Suzuki (U.S. Patent 6,492,068). Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Claim 26 depends from claim 21 and any arguments set forth above with respect to claim 21 apply to claim 26 as well. As stated in section II of this Reply, *supra*, claim 21 has been amended to recite an inverse resist coated semiconductor substrate comprising a patterned first coating that is formed on a substrate surface, the patterned first coating comprising a resist material; a patterned second coating formed over the patterned first coating and exposed portions of the substrate surface, whereby the patterned second coating is formed by removing uppermost portions of the second coating to make the second coating level with the patterned first coating, whereby the patterned second coating is an inverse pattern of the patterned first coating, and whereby the patterned first coating is removed while leaving the patterned second coating on the substrate.

For the reasons stated previously, Auda *et al.* and Kamon when combined or taken alone, fail to teach or suggest the subject invention as claimed above. The Examiner asserts that Suzuki is relied upon for its apparent teaching of an etchant dispenser to trim etch semiconductors. Thus, it can be inferred that Suzuki is not relied upon any other teaching or suggestion, and in particular, for teaching or suggesting an inverse resist coating semiconductor substrate as recited in amended claim 21. Therefore, it can be concluded that the combination of Auda *et al.*, Kamon, and Suzuki fail to teach or suggest each and every element of the claimed invention. Hence, the rejection should be withdrawn.

VIII. Conclusion

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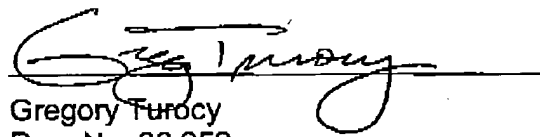
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The present application is believed to be condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
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